

ORDINANCE NO. 1458

AN ORDINANCE AUTHORIZING THE OPERATION OF CERTAIN
NON-HIGHWAY
VEHICLES ON STREETS UNDER THE JURISDICTION OF THE
CITY OF HAVANA, MASON COUNTY,
ILLINOIS

BE IT ORDAINED by the City Council of the City of Havana, Mason County,
Illinois as follows:

WHEREAS, the City of Havana has determined that the operation of certain nonhighway vehicles should be allowed under certain conditions on designated streets under the jurisdiction of the City of Havana; and

WHEREAS, the Illinois Vehicle Code Section 625 LCS 5/1 1-1426.1 authorizes municipalities by ordinance to permit non-highway vehicles to operate in the streets under the jurisdiction of the municipality if public safety would not be jeopardized; and

WHEREAS, the City of Havana has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1 , certain nonhighway vehicles, as defined herein, may safely operate on designated streets within the jurisdiction of the City; and

WHEREAS, the City of Havana shall enact an Ordinance which shall allow certain non-highway vehicles to operate on designated municipal streets upon the terms and conditions stated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY
OF HAVANA, MASON COUNTY, ILLINOIS, as follows:

A. Only non-highway vehicles, as defined and qualified herein, shall be allowed on designated City streets under the conditions as stated herein.

B. Definitions. As used in this Ordinance, the following terms shall have the meanings affixed as provided herein.

1 . A "Non-highway vehicle", means a motor vehicle not specifically designed to be used on a public highway, including:

a. A recreational off-highway vehicle, as defined by 625 ILCS 5/1-168.8, and commonly known as a IJTV or side-by-side.

2 "City Streets" means only the streets within the boundaries of the City of Havana designated for use of non-highway vehicles.

c. Requirements.

All persons wishing to operate an allowed non-highway vehicle on a designated City Street must ensure compliance with the following requirements:

1 . Proof of current liability insurance, as required by 625 ILCS 5/7601 and LCS 5/7-602.

2 Must be permitted by the City and have the vehicle inspected by an authorized UTV dealer or ASE certified mechanic.

3 Must display the permit(s) issued by the City on the front and rear of the vehicle at all times when operating the vehicle.

4 Must have a current, valid driver's license, and be at least 21 years of age.

5 Allowed non-highway vehicles must be equipped as follows:

a. Brakes and Brake Lights;

b. Turn Signals;

- c. A Steering Wheel Apparatus;
 - d. Tires;
 - e. Rearview Mirror;
 - f. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 LCS 5/12-709);
 - g. Headlight that emits a white light visible from a distance of 500 feet to the front which must be illuminated when in operation;
 - h. Tail Lamp that emits a red light visible from at least 100 feet from the rear which must be illuminated when in operation;
 - i. Red reflectorized warning devices in the rear, and amber reflectorized warning device in the front;
 - j. A functioning horn;
 - k. A functioning seatbelt for each occupant of the non-highway vehicle;
 - l. Any additional requirements, which may be amended from time to time, included in 65 ILCS 5/11-1426.1 of the Illinois Motor Vehicle Code.
6. Must obey all traffic laws of the State of Illinois and the City of Havana.
 7. Must be operated only on City streets, designated for use by nonhighway vehicles. The designated City streets and permitted crossing routes are identified on the attachment hereto, labeled as Exhibit A, and by reference made a part of this Ordinance.
 8. Must not be operated in excess of posted speed limits.
 9. May only be operated with headlights and taillights lighted.

10. A person operating or who is in actual physical control of an allowed non-highway vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500 through 625 LCS 5/11502).

11. Non-highway vehicles shall not be operated on sidewalks.

12. Non-highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation, except to cross in a path 90 degrees or as direct as possible, and only at designated crossing points.

13. Non-highway vehicles must yield the right-of-way to overtaking vehicles at all times.

14. The non-highway vehicles are only allowed to park in handicapped designated parking spaces if the operator or passenger has a valid and displayed handicapped parking sticker.

15. May only be operated within the City from dawn until dusk.

16. Any front-facing passenger riding in non-highway vehicle not equipped with a windshield must wear eye protection at all times.

D. Permits.

IA. No person shall operate an allowed non-highway vehicle without first obtaining a permit from the Havana City Hall as provided herein.

Permits shall be granted for a period of one (1) year, and shall run from May 1 through April 30 of the following year, with no pro-rations granted for partial years. The annual cost of the permit is \$100 per vehicle. Insurance coverage is to be verified to be in effect by the Havana Police Department when obtaining and renewing a permit.

1B. A temporary 5 day permit may be granted an applicant at a cost of \$50 per 5 day period. Each applicant for a 5 day permit shall fully comply with all provision of this ordinance, just as if an annual permit was requested.

2. Every application for a permit shall be made on a form supplied by the City.

3. No permit shall be granted unless the following conditions are met:

a. The vehicle must be inspected by an authorized IJTV dealer or ASE certified mechanic to insure that the vehicle is safe to operate on designated City streets and is in compliance with this Ordinance and with the State of Illinois Motor Vehicle Code;

b. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

4. The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or there is evidence that permittee cannot safely operate an allowed non-highway vehicle on the designated roadways.

E. Violations.

1 . Any person who violates any provision of this Ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Seven Hundred Fifty Dollars (\$750.00).

2 A permit for an allowed non-highway vehicle issued pursuant to this

Ordinance may be suspended by the City if (1) there is a material misrepresentation made upon the permit application, (2) the required liability insurance ceases to be in full force and effect, (3) there is evidence that the permittee can no longer safely operate the low speed vehicle, or

(4) the City feels that it is appropriate to insure the safety and wellbeing of the citizens of the City of Havana that the permit be suspended.

3 Repeat offenders may have their permits revoked by the City, by action of the City Council.

4 Any suspension or revocation of any permit as provided hereunder shall be in writing and shall be hand-delivered to the permittee, and/or sent by certified mail at the address on the permit application. Said suspension or revocation shall be in full force and effect immediately upon personal service, or upon the 3rd day after the post mark of the certified mail receipt.

F. Miscellaneous.

1 . Should any section, clause or provision of this Ordinance be declared by Court to be invalid, the same shall not affect the validity of

this Ordinance as a whole or any part thereof other than the parts declared to be invalid.

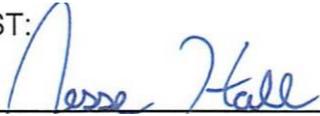
2. Any Ordinance or any provision of another Ordinance of the City which are in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

3. This Ordinance may be repealed, modified or amended in any respect in accordance with law.

ADOPTED this 5th day of April . 2022.

This Ordinance was passed by the City Council _____ on April 5, 2022, and shall be in full force and effect after the passage and publication as required by law.


A STADSHOLT,
BRE Mayor

ATTEST:


JESSE H LL, City lerk

It was moved by _____ Councilman Griffin that the foregoing Ordinance 1458 be adopted.

Said Motion being seconded by Councilman Urish it was put to a vote with the following results:

Those voting "Aye", Councilman:
Chaney, Urish, McDowell, Cooper and Griffin

Those voting "Nay", Councilman
Ray and Stroh

Absent Brown

The City Council of the City of Havana, Mason County, Illinois, is composed
of the Mayor and 8 Councilmen.

Mayor Brenda Stadsholt
~~BRENDA STADSHOLT~~ Mayor

ATTEST:

Jesse Hall

JESSE H L - City Clerk

